

WASHINGTON COUNTY COMMISSION
MEETING MINUTES
NOVEMBER 13, 2012

The Regular Meeting of the Board of the Washington County Commission was called to order by Chairman Alan D. Gardner at 4:00 p.m. on November 13, 2012, in the Commission Chambers, Washington County Administration Building, St. George, Utah. Those in attendance were Chairman Alan D. Gardner, Commissioner Dennis Drake, Washington County Administrator Dean J. Cox, Deputy County Attorney Eric Clarke, and Deputy County Clerk Christine Hall.

Commissioner James J. Eardley was excused to attend a meeting at the St. George City Offices.

Chairman Gardner led the Pledge of Allegiance.

AGENDA

CONSENT AGENDA:

The Consent Agenda is a means of expediting routine matters which come before the Commission for approval. The Consent Portion of the agenda is approved by one (1) non-debatable motion. If any Commissioner wishes to remove an item from the Consent Portion of the agenda, then that item becomes the first order of business on the Regular Agenda.

- Consideration of Auditor-Approved Claims for Payment for October 17, 2012, through November 13, 2012
- Consideration of Administrative Adjustments: Real Property (attached)
- Consideration of Administrative Adjustments: Personal Property (attached)
- Consideration of Applications for Property Tax Abatement:
Helen Lenz, A/N 0452220; Tammy Frankino, S/N SG-SETH7; Robert Miller, S/N SG-SWE-14; Darrell Baker, A/N 0765258; David Reynolds, S/N LV-26-B-1; Richard & Mary Ann Nielsen, S/N SG-BLH-8-40; Della Higley, S/N S-80; Clayton & Bonnie Huntsman, S/N SG-BR-5-14; Mary Skelton, S/N I-ISMH-14; Adele Patterson, S/N I-EGR-1-1; Marlene Brown, S/N SG-6-2-14-43301; Lewis Beck, S/N SG-MCE-3-61; Dawna Farrell, S/N SG-BCC-3-1-924; Gaylord Wells, A/N 0557655; Dorothy Toone, S/N LV-CKN-20
- Consideration of Applications for Settlement or Deferral of Property Taxes:
Boulder Mountain/Willie Jessop, S/N 1384-B, G and L, and 1391-B; R. Kim & Debra Haslam, S/N H-342-C-2; Shelley Highland, S/N SG-6-2-26-3133; Steven Mangum, S/N W-CBRV-40; and Lance & Billie DeMille, S/N LV-17-2
- Acknowledgment of Publishing: Ordinance No. 2012-1025-O on Saturday, October 20, 2012

Actions of the Washington County Planning Commission Meeting / None

MOTION: Motion by Commissioner Drake to Approve the Consent Agenda, and to Move Item Number 13 to Item Number 1 on the Regular Agenda. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

REGULAR AGENDA ITEMS FOR CONSIDERATION:

CONSIDERATION OF RESOLUTION NO. R-2012-1680, A RESOLUTION PROPOSING THE ESTABLISHMENT OF THE DAMMERON VALLEY FIRE SPECIAL SERVICE DISTRICT

Chairman Gardner said that the Dammeron Valley area is perhaps the only area of the County that has not had a fire protection district. Groups in that area and the local homeowners' association are in favor of creating this district.

Deputy County Attorney Eric Clarke said that the process for creating a special service district can be either by a resolution or a local petition. Then, there must be a properly noticed public hearing, which, in this case, will occur in Dammeron Valley in early January. At the hearing, anyone wishing to speak either in favor or against the district may speak. From the date of approval of this resolution until fifteen (15) days after the public hearing, protest letters may be submitted or withdrawn. If the total of those protest letters represents one-third (1/3) of the registered voters or one-third (1/3) of the assessed property value of the community, then the Commission may not move forward with the creation of the district. This is the first step in the process.

Sheri Mandel from the audience presented a map, a document showing the scope of the operation, and a description of the services requested.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1680, A Resolution Proposing The Establishment Of The Dammeron Valley Fire Special Service District. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

EMERGENCY SERVICES REPORT / SHERIFF CORY PULSIPHER

Washington County Sheriff Cory Pulsipher said that there was one (1) search and rescue call-out since his last report: a runaway juvenile in Santa Clara. The fifteen (15) year old was mentally challenged and had been missing for several hours. She was eventually located and return to her home, requiring no medical treatment.

Sheriff Pulsipher added that elections were recently held for the Search and Rescue Board. Old board members, who had served for four (4) years, were: Boyd Barney,

Mike Thomas, Casey Lofthouse, Bryan Clark, and Kurt Tanner. The new board members are: Casey Lofthouse (commander), Joe McArthur, Mark Leavitt, Brian Hawkins, and Tony Brooksby (dive team). He expressed gratitude, as did the Commissioners, for the volunteer work these individuals do for the community.

VOLUNTEER OF THE MONTH / CAROL HOLLOWELL

No presentations were made today.

PURCHASE REQUEST(S) / MARK BLANCH

- Regional Park, purchase 1995 International water truck \$29,000.00
- Sheriff's Office, Reimburse Juab County for supplies,
equipment, overtime, travel \$21,212.32

All purchases are budgeted, bonded, or paid for through grant funds.

MOTION: Motion by Commissioner Drake to Approve the Purchase Requests. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

PRESENTATION OF PRELIMINARY BUDGET FOR FY 2013 / KIM M. HAFEN

Washington County Clerk-Auditor Kim M. Hafen presented the Preliminary Budget for Fiscal Year 2013, saying that it is essentially “flat” compared to last year’s budget. These numbers may change slightly in the final budget, but not significantly.

There has been a significant increase from the Utah Retirement System in the percentage of retirement contribution funded by the County which has affected the budget substantially. The voter turnout of the recent election also increased costs within the Clerk-Auditor’s Office. Mr. Hafen commended Melanie Abplanalp, Julie McConnell, and Cathy Alder of the Clerk-Auditor’s Office for their hard work during the election.

Mr. Hafen will return on the second (2nd) meeting in December with the Final Budget for approval.

MOTION: Motion by Commissioner Drake to Adopt the Preliminary Budget for FY 2013. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

PRESENTATION: TRANSPORTATION ISSUES IN WASHINGTON COUNTY / MYRON LEE, DIXIE METROPOLITAN PLANNING ORGANIZATION

Myron Lee with the Dixie Metropolitan Planning Organization (MPO) narrated a PowerPoint presentation concerning household travel surveys recently conducted in the County. In the goal to plan for future transportation projects, they start with an analysis of where people are traveling to and from, and why, partnering with the State Department of Transportation and the three other MPOs in the State. Commissioner Eardley asked Mr. Lee to report to the Commission on these important findings.

Statistics considered were household size, number of vehicles in the home, number of trips per household member, trips in excess of forty (40) miles, frequency of bicycle/pedestrian trips, etc. The MPO will continue to analyze these statistics in order to make reasonable projections for the future transportation needs of the County. Commissioner Drake commented that the principles developed during the Vision Dixie Process are still being implemented.

A copy of the PowerPoint is available upon request from the Washington County Commission.

CONSIDERATION OF RESOLUTION NO. R-2012-1673, A RESOLUTION OF APPOINTMENT OF A WASHINGTON COUNTY REPRESENTATIVE AND AN ALTERNATE REPRESENTATIVE FOR THE UTAH COUNTIES INDEMNITY POOL ANNUAL MEMBERSHIP MEETING

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1673, A Resolution of Appointment of James J. Eardley as the Washington County Representative and Christine S. Hall as the Alternate Representative For The Utah Counties Indemnity Pool Annual Membership Meeting. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1674, A RESOLUTION OF APPOINTMENT AND RE-APPOINTMENT OF MEMBERS TO THE SOUTHWEST REGIONAL RESPONSE TEAM

Administrator Dean Cox mentioned that Robert Stoker is an original founding appointee on this board and has done an outstanding job for nearly ten (10) years. Jason Whipple is currently a member of the St. George Fire Department and will be replacing Robert Stoker.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1674, a Resolution Re-Appointing Lynn Excel and Pete Kuhlman and Appointing Jason Whipple to the Southwest Regional Response Team.

Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1675, A RESOLUTION AMENDING THE FEES FOR THE WASHINGTON COUNTY LIBRARY

Library Director Bonnie Mellor explained that the fee schedule is updated periodically.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1675, A Resolution Amending The Fees For The Washington County Library. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1676, A RESOLUTION TO RATIFY APPROVAL OF THE ADDENDUM TO EXTEND MEMORANDUM OF AGREEMENT WITH ICE EFFECTIVE OCTOBER 15, 2009, UNTIL DECEMBER 31, 2012, AND ALSO TO ADOPT A POLICY COMMENDING AND SUPPORTING INTERGOVERNMENTAL COOPERATION ON ENFORCEMENT OF CUSTOMS LAWS WITHIN WASHINGTON COUNTY

Washington County Sheriff Cory Pulsipher said that this county is one of two participating in this federal program. Senators Orrin Hatch and Mike Lee were able to obtain this valuable extension which allows us to identify those individuals in the community who, when arrested for any violation, can be deported in association with the ICE team.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1676, A Resolution to Ratify Approval of the Addendum to Extend Memorandum of Agreement With ICE Effective October 15, 2009, Until December 31, 2012, And Also To Adopt a Policy Commending And Supporting Intergovernmental Cooperation On Enforcement of Customs Laws Within Washington County. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1677, A RESOLUTION APPROVING A CONSULTANT AGREEMENT BETWEEN INTERMOUNTAIN PUBLIC LAND CONSULTANT AND WASHINGTON COUNTY

Chairman Gardner said that Cornell Christensen is a former Bureau of Land Management (BLM) District Manager who has a firm grasp of the intricacies of public lands issues. He will be a valuable consultant for Washington County.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1677, a Resolution Approving a Consultant Agreement Between Intermountain Public Land Consultant Cornell Christensen and Washington County. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1678, A RESOLUTION TO ADOPT AND APPROVE THE WASHINGTON COUNTY - NRCS OLD HIGHWAY 91 - SHIVWITS 2012 EWP AGREEMENT TO RELIEVE HAZARDS AND DAMAGES CREATED BY THE FLOOD IN WASHINGTON COUNTY, UTAH

Washington County Public Works Director Ron Whitehead said that this is the next Natural Resources Conservation Service (NRCS) project. The project was sent out to bid, and the low bidder was Sun Roc. He asked the Commission to ratify the awarding of this contract to Sunroc.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1678, A Resolution To Adopt And Approve The Washington County - NRCS Old Highway 91 - Shivwits 2012 EWP Agreement To Relieve Hazards And Damages Created By The Flood In Washington County, Utah. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1679, A RESOLUTION APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN STOUT ROOFING, INC. AND WASHINGTON COUNTY FOR ROOF REPAIRS TO THE ADMINISTRATION BUILDING

Mr. Cox said that the roof installed in the Administration Building in 1967 is in need of some repair. A Request for Proposal was advertised, and the apparent low bidder is Stout Roofing, Inc., a local company with many years of experience. As part of the bidding process, the company is required to submit proof that it only hires legal workers.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1679, a Resolution Approving the Execution of an Agreement between Stout Roofing, Inc., And Washington County for Roof Repairs to the Administration Building. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

CONSIDERATION OF RESOLUTION NO. R-2012-1681, A RESOLUTION EXPRESSING GRATITUDE TOWARDS THE LATE JOYCE SARITI AND APPROVING FILING A FIXED ANNUITY CLAIM FORM

Mr. Clarke explained that Ms. Sariti recently passed away and left a considerable amount of money to the Library System. This resolution will enable the County to submit the required paperwork to access the fixed annuity that was Ms. Sariti's legacy to the library.

MOTION: Motion by Commissioner Drake to Adopt Resolution No. R-2012-1681, A Resolution Expressing Gratitude Towards The Late Joyce Sariti And Approving Filing A Fixed Annuity Claim Form. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

CONSIDERATION FOR ADOPTION OF A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WASHINGTON COUNTY, UTAH ("COUNTY"), AUTHORIZING AND APPROVING THE EXECUTION BY WASHINGTON COUNTY/ST. GEORGE INTERLOCAL AGENCY, UTAH ("WCIA") AND THE COUNTY OF AN ANNUALLY RENEWABLE AMENDMENT TO AMENDED AND RESTATED MASTER LEASE AGREEMENT BY AND BETWEEN WCIA AND THE COUNTY; AUTHORIZING THE ISSUANCE AND SALE OF WCIA'S LEASE REVENUE REFUNDING BONDS, SERIES 2012 IN THE PRINCIPAL AMOUNT OF APPROXIMATELY \$16,480,000; AUTHORIZING OR RATIFYING THE EXECUTION BY WCIA OF A SUPPLEMENTAL INDENTURE OF TRUST, APPOINTING A PRICING COMMITTEE AND AUTHORIZING SAID COMMITTEE TO ENTER INTO A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE SERIES 2012 BONDS HEREIN DESCRIBED, AN OFFICIAL STATEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION THEREWITH; APPROVING THE EXECUTION AND DELIVERY BY THE COUNTY OF AN AMENDMENT TO THE AMENDED AND RESTATED SUBLEASE AGREEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS

Commissioner Drake said that this resolution permits refinancing of the WCIA bond that will ultimately save the County as much as one hundred thousand dollars (\$100,000.00) of interest costs, taking advantage of a great reduction in interest rates.

MOTION: Motion by Commissioner Drake to Adopt Resolution Of The Board Of Commissioners Of Washington County, Utah ("County"), Authorizing And Approving The Execution By Washington County/St. George Interlocal Agency, Utah ("WCIA") And The

County Of An Annually Renewable Amendment To Amended And Restated Master Lease Agreement By And Between WCIA And The County; Authorizing The Issuance And Sale Of WCIA's Lease Revenue Refunding Bonds, Series 2012 In The Principal Amount Of Approximately \$16,480,000; Authorizing Or Ratifying The Execution By WCIA Of A Supplemental Indenture Of Trust, Appointing A Pricing Committee And Authorizing Said Committee To Enter Into A Bond Purchase Agreement Providing For The Sale Of The Series 2012 Bonds Herein Described, An Official Statement And Other Documents Required In Connection Therewith; Approving The Execution And Delivery By The County Of An Amendment To The Amended And Restated Sublease Agreement; Authorizing The Taking Of All Other Actions Necessary To The Consummation Of The Transactions Contemplated By This Resolution; And Related Matters. Motion seconded by Commissioner Gardner and carried by unanimous vote, with Commissioners Gardner and Drake voting aye.

PUBLIC WORKS OR ROAD BUSINESS

Washington County Public Works Director Ron Whitehead said that the Federal Emergency Management Agency (FEMA) is in Santa Clara and Ivins to evaluate whether it will cover any of the repair costs of the September 11, 2012, flood in those areas.

Work is still being done in Gunlock for that NRCS project, and it is hoped that the job will be completed in several weeks. The contract ratified earlier in this meeting is the start of the next job, along Old Highway 91.

COUNTY DEVELOPMENT AND PLANNING BUSINESS

No items were presented today.

Request A Closed Session

None.

There being nothing further to come before the Commission, the meeting was adjourned at 5:12 p.m.

CHRISTINE S. HALL
DEPUTY CLERK

ALAN D. GARDNER
CHAIRMAN